



Arizona State Board of Pharmacy

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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING SEPTEMBER 10, 2008
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – September 10, 2008

Vice President McAllister convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: Vice President Dennis McAllister, Joanne Galindo, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Ridge Smidt, Paul Sypherd and Tom Van Hassel. The following Board Member was not present: Zina Berry. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Nancy Beck. Ms. Honeyestewa left the meeting at 2:10 P.M.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 9, Schedule C, License Applications Requiring Board Review for Guadalupe Rocha.

Due to a conflict of interest, Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 4 (Humana Rightsource deviation request).

Due to a conflict of interest, Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 7, Schedule A, Non-Resident Pharmacy Permit Approval for RightSource Rx in Ohio.

Due to a conflict of interest, Ms. Beck recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 15, Schedule F, Consent Agreement for James Peterson.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Van Hassel and seconded by Mr. Haiber**, the minutes of the Regular Meeting held on July 9 and 10, 2008 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Humana RightSource Pharmacy #1 – Request to deviate from R4-23-409 (Returning of Drugs and Devices) due to technological advancement.

Due to a conflict of interest, Vice President McAllister recused himself. Mr. Van Hassel presided over the meeting for this agenda item.

The following individuals were present to request a deviation from R4-23-409: Dennis McAllister, Pharmacist in Charge of Humana RightSource Pharmacy #1, Mike Kuratko, Manager of Dispensing at Humana RightSource Corporation, and Bill Bowman, Expert Witness on Drug Stability Issues

Mr. Van Hassel asked the individuals to describe the nature of their request.

Mr. McAllister opened the discussion by stating that Humana Rightsource would like the Board to allow them to deviate from R4-23-409 which prohibits the use of medications returned to a pharmacy due to health and safety issues. Mr. McAllister stated that they are requesting this deviation due to technological advancement which is evident by their prescription bottle packaging.

Mr. McAllister stated that there are both moral and ethical issues involved in the returning of medications to the mail-service pharmacy. Mr. McAllister stated that the pharmacy is destroying perfectly good product.

Mr. McAllister stated in 36 states there are regulations that allow non-controlled medications from nursing homes to be returned to the pharmacy and be reused.

Mr. McAllister stated that there are several reasons that medications are being returned to the mail-service pharmacy. The reasons that medications are returned include the following: incorrect address, change of therapy, brand issues, co-pay issues, and Part D Doughnut Hole issues.

Mr. McAllister stated that as a result of the product being returned to the pharmacy there is a waste of medication. Mr. McAllister stated that the medications cause landfill contamination. Mr. McAllister also stated that by destroying the medications there are higher healthcare costs.

Mr. McAllister stated that most medications that have been in the possession of the intended user are not appropriate for return and reuse. The reason the product cannot be reused is due to the inability to validate whether the product is adulterated or has been subject to storage/shipping issues that would affect its safety and efficacy.

Mr. McAllister stated that they are proposing that the Humana foil sealed packaging is equivalent to the manufacturer's packaging and tamper evident.

Mr. McAllister stated that the prescription labels contain lot numbers and expiration information.

Mr. McAllister stated that current shipping practices rarely if ever result in extended uncontrolled temperatures.

Mr. McAllister reviewed the proposed policy. The policy includes the following:

1. Returned medications may only be re-dispensed one time. If returned a second time, they must be stored for destruction.
2. No medication or medication product returned will be destroyed or disposed of by any means other than returning the affected inventory to the manufacturer, wholesaler, or reverse distributor.
3. No product may be returned or added to the stock in the cells.
4. No controlled substances, refrigerated products, or gel caps may be re-dispensed.
5. No product that has been out of the facility for more than 14 days may be re-dispensed.
6. Only items in manufacturer packaging and tamper resistant packaging may be re-dispensed.
7. Before re-dispensing, all products must be verified again for eligibility to ensure they have not been recalled, discontinued, or classified as unacceptable.

Mr. Bowman talked about the stability issue concerned with higher temperatures. Mr. Bowman stated that several tests were conducted and it was proven that the Humana packaging was equivalent to the manufacturer's packaging in protecting the product from high temperatures.

Mr. Milovich asked if any stability tests were conducted on wax-matrix tablets. Mr. Bowman replied that no extended release products were studied.

Mr. Haiber asked if any stability tests were conducted on capsules. Mr. Bowman replied yes. Mr. Bowman stated that they would not allow the return of gel capsules.

Ms. Galindo asked about issues of reimbursement. Mr. McAllister stated that both the patient and the insurance company are credited for returned product.

Mr. Milovich asked how they would know if a bottle is dispensed a second time. Mr. Kuratko stated that they can track every bottle back to the manufacturer's bottle.

Mr. McAllister stated that the reason for the 14 day time limit was because they want the medication to be returned right away.

Mr. McAllister stated that they are asking for a deviation from the rule because they feel their packaging is as safe as the manufacturer's packaging.

Mr. Milovich asked how many packages would be returned in a given time period. Mr. Kuratko stated that approximately 1,000 packages would be returned monthly.

Mr. Haiber asked if liquids would be allowed to be returned. Mr. McAllister stated that only solid oral dosage forms would be accepted for return.

Dr. Smidt asked how the medication would be re-packaged. Mr. McAllister stated that the medication would be logged in and dispensed in a new bottle.

Dr. Smidt asked if there could be potential abuses of the system. Mr. McAllister stated that the foil sealing is tamper evident.

Mr. Haiber asked if the seal is placed during automation. Mr. McAllister stated yes and no hand sealed product would be allowed for return.

Dr. Sypherd asked if this approval is only for this one facility in Arizona. Mr. McAllister replied that it is only for this facility in Arizona and for this type of packaging.

Mr. Milovich asked if approval is granted by the Board when do they anticipate starting the return/reuse program. Mr. McAllister stated that they are ready to start now.

Dr. Smidt asked how much money would be saved by initiating the return/reuse program. Mr. McAllister stated that they anticipate that they would recoup about one million dollars annually at this facility.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to allow Humana RightSource Pharmacy #1 to deviate from R4-23-409 which would allow the pharmacy to accept for return and reuse oral solids that are packaged in the pharmacy's foil sealed bottle which is tamper resistant. The pharmacy must report in one year the safety and efficacy of the program. The pharmacy must follow their proposed policies, and if there are any violations of the policies then the deviation would be terminated. If there are any additions or changes to the policy or packaging, then the changes must be approved by the Board or the Board's designee.

AGENDA ITEM 5 – Introduction of Michael Grafton – Newly Assigned Supervisory Diversion Investigator at DEA

Vice President McAllister introduced Michael Grafton.

Mr. Grafton stated that he is the newly assigned Supervisory Diversion Investigator at the Phoenix DEA office. Mr. Grafton stated that he was assigned about one month ago and is replacing Barbara Roberts.

In response to Dr. Smidt's question concerning diversion, Mr. Grafton stated that his division would be looking at all levels of diversion from the registrants through the chain of distribution and also at the practitioner level.

AGENDA ITEM 6 – Appointment of Michael Grafton to the Prescription Monitoring Program Task Force

Vice President McAllister stated that Mr. Grafton has submitted his resume and would like to serve as a member of the Prescription Monitoring Program Task Force.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously approved the appointment of Mr. Grafton to the Prescription Monitoring Program Task Force.

AGENDA ITEM 7– Permits and Licenses

Vice President McAllister stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Cancer Treatment Centers of America – Hospital and Retail Pharmacy Applications

Krystal Hicks, Pharmacy Director and Pharmacist in Charge, was present to answer questions from Board Members.

Vice President McAllister asked Ms. Hicks to describe the nature of her company's pharmacy business.

Ms. Hicks stated that the hospital would specialize in cancer treatments. Ms. Hicks stated that the hospital is located in Goodyear, Arizona and they anticipate opening in December. Ms. Hicks stated that they would also have a retail pharmacy at the same location.

Mr. McAllister asked if Ms. Hicks would be the Pharmacist in Charge at both sites as the business grows. Ms. Hicks stated that they would hire another pharmacist to be the Pharmacist in Charge at the retail site.

Mr. McAllister asked Ms. Hicks about her credentials. Ms. Hicks stated that she is a certified oncology specialist and had worked as a bone marrow specialist at a hospital in Texas.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the permit application for both the hospital and retail pharmacy sites for Cancer Treatment Centers of America.

Community Counseling Center – Lakeside Facility

Pharmacist Bruce Celiz-Hagen, Chief Financial Officer Bob Smith, and Operations Manager Chris Rohrer were present to answer Board Member's questions.

Vice President McAllister opened the discussion by asking the applicants to describe the nature of their pharmacy business and the nature of their deviation request.

Mr. Smith opened the discussion by stating that they are in the process of constructing a 16 bed mental health hospital. Mr. Smith stated that they would like to contract out their pharmacy services. Mr. Smith stated that Mr. Celiz-Hagen would be filling the prescriptions at his pharmacy site and then the medications would be delivered to their hospital site and stored in the pharmacy on site.

Mr. Celiz-Hagen stated that they are required to have a hospital pharmacy on site. Mr. Celiz-Hagen stated that there would be space at the actual hospital designated as the pharmacy. Mr. Celiz-Hagen stated that the pharmacy would be used for the storage of the medication and no prescription filling would occur at this site.

Mr. Celiz-Hagen stated that they are asking to deviate from the required 500 square feet for a hospital pharmacy.

Ms. Frush asked Mr. Celiz-Hagen what is the square footage of the onsite pharmacy. Mr. Celiz-Hagen stated that they have 202 square feet.

Mr. Wand stated that the Department of Health Services (DHS) requires that every hospital have a pharmacy. Mr. Wand asked Mr. Smith if they asked for a deviation from the rules from DHS. Mr. Smith stated that DHS recommended that they obtain the deviation from the Pharmacy Board.

Mr. Van Hassel asked if the prescriptions would be filled at a different site. Mr. Celiz-Hagen stated that he would be filling the prescriptions offsite at his pharmacy and they would be delivered to the hospital daily.

Mr. Van Hassel asked if an emergency box would be available. Mr. Celiz-Hagen stated that an emergency box would be available to the nursing staff.

Mr. Van Hassel asked if Mr. Celiz-Hagen would be providing clinical services to the hospital. Mr. Celiz-Hagen replied yes.

Dr. Smidt asked Mr. Celiz-Hagen if they would be doing any IVs. Mr. Celiz-Hagen replied that they would not have a hood and no IVs would be prepared on site.

Mr. Wand asked if there was a sink in the pharmacy with hot and cold running water. Mr. Smith replied yes.

Mr. McAllister asked if Mr. Celiz-Hagen would be the pharmacist in charge at both sites. Mr. Celiz-Hagen replied yes and eventually they would hire a contract pharmacist to help at the actual hospital site.

On motion by Dr. Smidt and seconded by Dr. Sypherd, the Board unanimously approved the deviation for Community Counseling Service – Lakeside Facility allowing them to deviate from R4-23-655 (B) which allows them to operate a pharmacy in less than 500 square feet (202 square feet) and R4-23-653 (B) which allows the hospital pharmacy to be open less than the defined 40 hours per week. The Board also has the ability to revoke the deviation upon future growth of the operation.

At the conclusion of questions from the Board Members and **on motion by Dr. Smidt and seconded by Mr. Van Hassel**, Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Target Pharmacy #T-2400	995 S. Cotton Lane, Goodyear, AZ 85338	Target Corp
Walgreens Pharmacy #10505	2785 N. Pinal Ave., Casa Grande, AZ 85222	Walgreen Arizona Drug Co.
Walgreens Pharmacy #12036	301 W. Jefferson St., Suite 221, Phoenix, AZ 85003	Walgreen Arizona Drug Co.

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The following resident permits listed below were unanimously approved by the Board after the applicants appeared before the Board. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

Pharmacy	Location	Owner
Cancer Treatment Centers of America @Western Regional Medical Center - Hospital	14200 W. Fillmore St., Goodyear, AZ 85338	Western Regional Medical Center Inc.
Cancer Treatment Centers of America @Western Regional Medical Center - Retail	14200 W. Fillmore St., Goodyear, AZ 85338	Western Regional Medical Center Inc.
Community Counseling Center- Lakeside Facility	1920 W. Commerce Dr., Lakeside, AZ 85929	Community Counseling Centers, Inc.

Non-Resident Permits

Vice President McAllister stated that all permits were in order for non- resident pharmacies.

Due to a conflict of interest, Mr. McAllister recused himself from voting on the non-resident permit for Humana Pharmacy.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously approved the non – resident permit listed below. Mr. McAllister recused himself.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
RightSource Rx	9863 Windisch Rd., West Chester, OH 45069	Humana Pharmacy, Inc.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously approved the non – resident permit listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Aetna Rx Home Delivery	11500 NW Ambassador Dr., 1 st Floor, Kansas City, MO 64153	Aetna Rx Home Delivery, LLC
Corporate Pharmacy Services, Inc.	319 Broad Street, Gadsden, AL 35901	Corporate Pharmacy Services, Inc.
Access Diabetic Supply, LLC	2101 NW 33 rd St., Suite 1000A, Pompano Beach, FL 33690	Access Diabetic Supply, LLC
People's Pharmacy	31951 Dove Canyon Dr. #F, Trabuco Canyon, CA 92679	Mediratta Rx Inc.
Hopewell Pharmacy	1 West Broad St., Hopewell, NJ 08525	Gene Ragazzo/James Palmieri
Liberty Direct Services Corp.	10400 S. US Hwy #1, SR 300, Port St. Lucie, FL 34952	Liberty Healthcare Group Inc.
Omnicare Clinical Intervention Center-OKC	4500 N. Cooper, Oklahoma City, OK 73118	Langsam Health Services, LLC
UPS Supply Chain Solutions, Inc	1860 Outer Loop Rd., Louisville, KY 40219	UPS Supply Chain Solutions, Inc.
Tropical Pharmacy	6289 W. Sunrise Blvd., Ste 118, Sunrise, FL 33313	Tropical Pharmacy, Inc.
PMSI, Inc.	175 Kelsey Lane, Tampa, FL 33619 (O)	PMSI, Inc.
Promesa Pharmacy	10815 Old Mill Rd., Omaha, NE 68154	Promesa Health, Inc.
Immediate Pharmaceutical Services, Inc.	33381 Walker Rd., Avon Lake, OH 44012 (O)	Immediate Pharmaceutical SVS
Jungle Jim's Old Fashioned Pharmacy	5440 Dixie Hwy5440 Dixie Hwy, Fairfield, OH 45014	Ron Ferguson

(O) = Ownership Change

Wholesaler Permits

Vice President McAllister stated that all permits were in order for resident wholesalers.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board approved the resident wholesale permits listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

WHOLESALER	LOCATION	OWNER
Arizona Medical Supplies, LLC (Non-Prescription)	4365 E. Pecos Rd., Ste. 136, Gilbert, AZ 85295	Arizona Medical Supplies, LLC
Smoke World, LLC (Non-Prescription)	1809 E. Southern Ave., Tempe, AZ 85282	Smoke World, LLC

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

Vice President McAllister stated that all license requests and applications were in order.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments removing any duplicate names.

AGENDA ITEM 8 – Special Requests

#1 Randy Simmons

Randy Simmons appeared on her own behalf to request that the probation imposed on her pharmacy technician license per Board Order 07-0013-PHR be terminated.

Vice President McAllister opened the discussion by asking Ms. Simmons to describe the nature of her request.

Ms. Simmons stated that she would like the Board to terminate her probation

Mr. McAllister asked Ms. Simmons if she has completed all the requirements of her order. Ms. Simmons stated that she paid her fine and completed the required CE.

Mr. Haiber asked Ms. Simmons if she now understands how to handle a DUR override. Ms. Simmons stated that she now works at a different pharmacy and a pharmacist checks every step of the process. Ms. Simmons stated that a pharmacist must put in a code to override a DUR.

Mr. Haiber asked Ms. Simmons where she is working at this time. Ms. Simmons stated that she is working for Wal-Mart.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to approve the request by Ms. Simmons to terminate the probation of her pharmacy technician license imposed by Board Order 07-0013-PHR.

#2 David Wamboldt

David Wamboldt appeared on his own behalf to request that the Board terminate the suspension of his pharmacist license and impose probation per Board Order 08-0050-PHR. Lisa Yates and Jim Corrington from the PAPA program were also present.

Vice President McAllister opened the discussion by asking Mr. Wamboldt to describe the nature of his request.

Mr. Wamboldt stated that he would like the Board to terminate the suspension on his license and impose probation.

Mr. McAllister asked Mr. Wamboldt what he has been doing since his suspension began. Mr. Wamboldt stated that he went to rehab for 28 days at Valley Hope. Mr. Wamboldt stated that he signed a PAPA contract on February 21, 2008. Mr. Wamboldt stated that he attends AA and PA meetings. Mr. Wamboldt stated that he has a counselor that he sees on a regular basis. Mr. Wamboldt stated that he is involved in Pills Anonymous.

Mr. McAllister asked Mr. Wamboldt if he is ready to return to practice. Mr. Wamboldt stated that his life has improved and he is ready to return to practice.

Mr. Corrington stated that he feels Mr. Wamboldt is ready to return to practice. Mr. Corrington stated that he advised Mr. Wamboldt to attend Pills Anonymous (PA) meetings. Mr. Corrington stated that individuals must attend meetings where they can identify with people who had used their drug of choice. Mr. Corrington stated that often individuals will attend Narcotics Anonymous (NA) meetings and it is hit and miss on the drug of choice for that individual. Mr. Corrington stated that individuals will not stay in a 12-step program where they cannot identify with the drug or problems with addiction to the drug.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to terminate the suspension of Mr. Wamboldt's pharmacist license and impose probation.

#3 Stephanie Underhill

Stephanie Underhill appeared on her own behalf to request that the Board terminate the suspension of her pharmacist license and impose probation per Board Order 08-0029-PHR. Lisa Yates and Jim Corrington from the PAPA program were also present.

Vice President McAllister opened the discussion by asking Ms. Underhill to describe the nature of her request.

Ms. Underhill stated that she would like the suspension of her license to be terminated and probation imposed.

Mr. McAllister asked Ms. Underhill to describe what has changed in her life. Ms. Underhill stated that she had taken pills from the pharmacy and signed a PAPA contract on January 7, 2008 and signed a consent order with the Board in February. Ms. Underhill stated that she attended rehab at Chandler Valley Hope and it has changed her life. Ms. Underhill stated that she felt her life was hopeless. Ms. Underhill stated that through the help of NA, PA and her counselors her life has changed. Ms. Underhill stated that to her there is freedom beyond the use of pills.

Ms. Yates stated that Ms. Underhill attended the Utah School.

Mr. Milovich asked Ms. Underhill about her experience at the Utah School. Ms. Underhill stated that she was able to share her experience with students that are not aware of the issues associated with addiction. Ms. Underhill stated the she learned addiction is a disease and that she must take responsibility for her recovery.

Mr. McAllister asked Ms. Underhill if she was ready to return to work. Ms. Underhill stated that she has the tools to stay clean. Ms. Underhill stated that her top priority is to stay clean and her second priority is to be a good pharmacist.

Mr. Corrington stated that Ms. Underhill has made a 180 degree turn in her behavior. Mr. Corrington stated that Ms. Underhill is active in PA and is sponsoring another individual in PA. Mr. Corrington stated that Ms. Underhill has the necessary tools to deal with the stress when she returns to work.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously agreed to terminate the suspension of Ms. Underhill's pharmacist license and impose probation.

#4 Thomas Castaneda

Thomas Castaneda appeared on his own behalf to request that the Board terminate the suspension of his pharmacist license and impose probation per Board Order 08-0049-PHR. Lisa Yates from the PAPA program were also present.

Vice President McAllister opened the discussion by asking Mr. Castaneda to describe the nature of his request.

Mr. Castaneda stated that he would like the Board to terminate the suspension of his license early and impose probation.

Mr. McAllister asked Mr. Castaneda about the letter that his counselor wrote stating that he had issues with 12-step group attendance. Mr. Castaneda stated that he is now attending the meetings.

Mr. Milovich asked Mr. Castaneda about the fact that he just obtained a sponsor. Mr. Castaneda stated that he felt uneasy about asking someone to be his sponsor and his counselor suggested that he obtain a sponsor. Mr. Castaneda stated that he has met with his sponsor twice. Mr. Castaneda stated that they talk about pressing issues.

Mr. Milovich stated that he feels that he has only begun participating in the program and has not been participating fully since he signed his contract.

Mr. Castaneda stated that he did not feel comfortable attending NA meetings and it took him about one month to find meetings that he was comfortable attending. Mr. Castaneda stated that he has been attending meetings since mid-June.

Mr. Van Hassel asked Mr. Castaneda about his treatment program. Mr. Castaneda stated that he signed his consent on June 9th. Mr. Castaneda stated that he was terminated on March 17, 2008. Mr. Castaneda stated that he was evaluated and he attended an extensive 6 week outpatient program. Mr. Castaneda stated that there was a two week period where he did not attend meetings.

Mr. Van Hassel told Mr. Castaneda that he seems to be rushing to get back into the same situation that caused his problems.

Mr. Castaneda stated that he is dedicated to sobriety and recovery. Mr. Castaneda stated that he does the 12-steps on his own. Mr. Castaneda stated that he would be working with his sponsor and would be working the steps by going to his meetings. Mr. Castaneda stated that he does his 12 steps internally. Mr. Castaneda stated that he feels comfortable with his recovery.

Mr. Wand stated that the consent order states that the period of suspension is from two to eight months because he was given credit for time that he did not work.

Mr. Wand stated that Mr. Castaneda has had a hard time admitting to his problem. Mr. Castaneda stated that he thought he was above it. Mr. Castaneda stated that recovery and sobriety are the focus of his life.

Mr. McAllister asked Mr. Castaneda if he was ready to return to work. Mr. Castaneda stated that he is comfortable with his recovery. Mr. Castaneda stated that he has a higher power to which he must answer. Mr. Castaneda stated that he feels that he can contribute in a positive manner.

Dr. Smidt asked Ms. Yates about Mr. Castaneda's missing meeting sheets. Ms. Yates stated that Mr. Castaneda was not turning in meeting sheets and he was contacted. Ms. Yates stated that Mr. Castaneda is now turning in meeting sheets.

Dr. Smidt asked Mr. Castaneda about his comment that he has recently started having stress and anxiety in his life. Dr. Smidt asked Mr. Castaneda if getting back his license is part of the solution. Mr. Castaneda stated that the major issue causing his stress is financial. Mr. Castaneda stated that he is not concentrating on his financial issues and is talking to his sponsor about his problems.

Dr. Smidt stated that he feels that Mr. Castaneda has just started working the program in the last 30 days. Dr. Smidt stated that he does not have the confidence that Mr. Castaneda had accepted his addiction.

Mr. Castaneda replied that early on he thought he was above his addiction. Mr. Castaneda stated that he was in a calm serene place until the last two weeks. Mr. Castaneda stated that he is totally dedicated to his sobriety.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board denied Mr. Castaneda's request to terminate the suspension of his pharmacist license and impose probation. There were three nay votes by Mr. Van Hassel, Mr. McAllister, and Ms. Galindo.

AGENDA ITEM 9 – License Applications Requiring Board Review

#1 Leo Parrino

Leo Parrino appeared on his own behalf to request to proceed with reciprocity.

Vice President McAllister opened the discussion by asking Mr. Parrino why he was appearing in front of the Board.

Mr. Parrino stated that he is requesting permission to proceed with reciprocity via his Indiana license. Mr. Parrino stated that he was disciplined in Kentucky twice. Mr. Parrino stated that he mis-filled a prescription and failed to get a DEA number on a controlled substance prescription.

Mr. McAllister asked Mr. Parrino if his license in Kentucky was in good standing. Mr. Parrino stated that his license has been in good standing since 2002.

Mr. McAllister asked Mr. Parrino if he plans to move to Arizona. Mr. Parrino stated that he would like to move to Arizona in the future.

On motion by Mr. Van Hassel and Dr. Smidt, the Board unanimously approved Mr. Parrino's request to proceed with reciprocity.

#2 Joshua Walden

Joshua Walden appeared on his own behalf to request that the Board reinstate his surrendered pharmacist license. Lisa Yates and Jim Corrington from the PAPA program were also present.

Vice President McAllister opened the discussion by asking Mr. Walden why he was appearing in front of the Board.

Mr. Walden stated that he asking for the Board to reinstate his pharmacist license. Mr. Walden stated that he has not practiced since May of 2006. Mr. Walden stated that in May of 2006 there was a significant loss of Hydrocodone products from his store. He admitted to the theft and he was arrested and convicted of solicitation to possess narcotics. Mr. Walden stated that he contacted Ms. Yates at the PAPA program. Mr. Walden stated that he went to rehab in January of 2007 and signed a PAPA contract on

March 12, 2007. Mr. Walden stated that he has had the same sponsor throughout his recovery and works the 12 steps with his sponsor.

Mr. Walden stated that his life has changed in a dramatic way. Mr. Walden stated that he has been ready to return to work, but wanted to have his felony conviction reduced to a misdemeanor first. Mr. Walden stated that on July 21, 2008, the paperwork was submitted to reduce the felony and he is waiting to see if the charges will be reduced.

Mr. McAllister asked Mr. Walden how long he practiced before his problems started. Mr. Walden replied that he worked for two years.

Mr. McAllister asked Mr. Walden if he feels competent to practice. Mr. Walden stated that he has completed the required CE units and still has his class notes. Mr. Walden stated that he is ready to return to work.

Mr. Corrington stated that he has pushed Mr. Walden really hard and he has responded. Mr. Corrington stated that Mr. Walden attends 6 to 10 meetings a week and meets with his sponsor several times a week. Mr. Corrington stated that Mr. Walden has the tools and skills to deal with his addiction.

Dr. Sypherd asked Mr. Walden what he has been doing since he is not able to work in a pharmacy. Mr. Walden stated that employment has been difficult because of his conviction. Mr. Walden stated that he works for Goodwill and has recently been promoted to a customer service supervisor.

Dr. Sypherd asked Mr. Walden if he has any activities that he participates in outside of work. Mr. Walden stated that some of his friends like to go hiking when the weather is cooler and he likes to meet his friends at a coffee shop. Mr. Walden stated that most of his friends are also in recovery.

Mr. McAllister stated that he has concerns if he is competent to return to practice.

Mr. Haiber stated that he does not feel that two years out of practice would cause him not to be able to practice competently.

On motion by Mr. Van Hassel and seconded by Dr. Sypherd, the Board agreed to reinstate Mr. Walden's pharmacist license with the stipulation that he remains on probation until he completes his PAPA contract. There was one nay vote by Mr. McAllister.

#3 Guadalupe Rocha

Due to a conflict of interest, Mr. Haiber recused himself.

Guadalupe Rocha appeared on his own behalf to request to reinstate his revoked Pharmacy Technician Trainee license.

Vice President McAllister opened the discussion by asking Mr. Rocha why he was appearing in front of the Board.

Mr. Rocha stated that he would like to have his pharmacy technician license reinstated. Mr. Rocha stated that he has taken and passed the certification test.

Mr. McAllister asked if Mr. Rocha tested positive for marijuana on a pre-employment screening. Mr. Rocha replied yes.

Mr. McAllister asked Mr. Rocha if he smokes marijuana. Mr. Rocha stated that he used to smoke cannabis and drink alcohol. Mr. Rocha stated that he has attended NA and AA meetings and realizes that smoking cannabis and drinking alcohol is not the way to go.

Mr. Van Hassel asked Mr. Rocha when he took the PTCB test. Mr. Rocha stated that he took the test about two months prior to the pre-employment drug screening.

Dr. Smidt asked Mr. Rocha if he had ever been convicted of any felonies. Mr. Rocha stated that he had been charged with a misdemeanor DUI.

Dr. Smidt asked Mr. Rocha if he has been in any monitoring program since giving up his license. Mr. Rocha stated that he has not been in a monitoring program. Mr. Rocha stated that he has been employed since that time and attends church.

Dr. Smidt asked Mr. Rocha where he currently works. Mr. Rocha stated that he works for an escalator cleaning company.

On motion by Dr. Smidt and seconded by Ms. Galindo, the Board unanimously agreed to reinstate Mr. Rocha's pharmacy technician trainee license provided that he completes a drug screening test within 48 hours and the test is not positive for a standard drug panel and the results are sent to the Board Office within 48 hours.

#4 Michael Cottrell

Michael Cottrell appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

Vice President McAllister opened the discussion by asking Mr. Cottrell why he was appearing in front of the Board.

Mr. Cottrell stated that he would like to apply for a pharmacy technician trainee license but had been convicted of a felony. Mr. Cottrell stated that he was charged with the illegal firing of a firearm.

Mr. McAllister asked Mr. Cottrell if any one was injured. Mr. Cottrell replied no.

Mr. McAllister asked Mr. Cottrell if he is on probation. Mr. Cottrell stated that he is on probation until December of this year.

Mr. McAllister asked Mr. Cottrell if he has attended any classes. Mr. Cottrell stated that he attended anger management classes.

Mr. McAllister asked Mr. Cottrell why he is applying for a technician license. Mr. Cottrell stated that he is attending school to become a technician and needs the license to complete his schooling.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to allow Mr. Cottrell to proceed with pharmacy technician trainee licensure.

AGENDA ITEM 10 – Gilbert Hospital - Review and possible revision of approved waiver from June of 2004 that allowed for a reduction in pharmacist's hours and reduction in required pharmacy area. The census of the hospital has changed.

Vice President McAllister stated that representatives of Gilbert Hospital have been asked to appear because the census of the hospital has changed and the Board is questioning if the pharmacy area is safe for the practice of pharmacy. A recent inspection by the Compliance Officer indicated possible safety issues.

The following individuals were present from Gilbert Hospital: Tracy Tite, Director of Pharmacy and Tim Johns, Medical Director of the Hospital.

Vice President McAllister asked Compliance Officer Larry Dick to describe his recent inspection of Gilbert Hospital. Mr. Dick stated that he inspected the facility on July 8, 2008. Mr. Dick stated that initially the hospital had requested a waiver for pharmacy area and hours because it was to be an emergency hospital licensed for 2 beds. Mr. Dick stated that when he went to do the inspection, the hospital has now been licensed for 22 beds.

Mr. Dick stated that the pharmacy area consists of 144 square feet. Mr. Dick stated that there is a horizontal flow hood in the area. Mr. Dick stated that the space is extremely cramped and the pharmacy is very busy.

Mr. Dick stated that initially there was to be only one pharmacist on duty in the space.

Mr. Dick stated that they currently employ two pharmacists and four technicians.

Vice President McAllister asked the hospital representatives to address the issues. Dr. Johns stated that when they started the hospital the pharmacy was open 20 hours a week and they increased the hours as their business grew. Dr. Johns stated that patient safety is an issue for the hospital and they have had zero medication errors.

Dr. Johns indicated that they realize that they need additional hospital space. Dr. Johns stated that they have obtained permits and plans have been approved for a new tower for the hospital. Dr. Johns stated that in the new plans there is space for a pharmacy with an area of 843 square feet.

Mr. McAllister asked Ms. Tite about the current staff. Ms. Tite stated that they currently have 6 pharmacists and 5 technicians on staff. Ms. Tite indicated that they do not all work at the same time. Ms. Tite stated that they work in two shifts.

Mr. McAllister stated that the initial waiver was given because the hospital was only licensed for 2 beds. Dr. Johns stated that the Board has been notified of the changes through the annual inspections.

Mr. Dick stated that the increased in number of beds was authorized in May of 2008 by DHS.

Mr. McAllister asked when the new pharmacy space would be completed. Dr. Johns stated that the anticipated date of completion is November of 2009.

Mr. McAllister stated that he is concerned about aseptic preparations being made in this limited amount of space. Mr. McAllister stated that he is worried about air flow in the area and feels that 14 months is too long of a period to wait for the new pharmacy.

Mr. McAllister asked the representatives what could be done to correct the problem in the mean time.

Dr. Johns stated that they feel that they are dispensing in a safe manner and would ask that the waiver be extended.

Mr. McAllister asked Mr. Dick to describe the pharmacy area. Mr. Dick stated that the room would remind one of a janitor's closet. Mr. Dick stated that the room does not meet the rules and regulations for a standard clean room.

Mr. Van Hassel asked if a patient room could be given up to house the pharmacy because he feels that there is not adequate space for the operation of a pharmacy and a clean room.

Dr. Johns stated that the medication error rate is zero.

Mr. Haiber asked if the representatives have any contingency plans for the next 14 months.

Dr. Johns stated that he feels they are meeting the patient's needs and would request that the Board grant them extra time until the next meeting.

Dr. Smidt asked Ms. Tite how many prescriptions are filled at the pharmacy. Ms. Tite replied that they could fill anywhere from 1,800 to 2,000 prescriptions a month.

Dr. Smidt asked if all medications are stored in the pharmacy area. Dr. Johns stated that all medications are stored in the pharmacy except IV fluids that are stored in a separate area.

Mr. McAllister asked if they were preparing TPNs in this area. Ms. Tite replied no. Ms. Tite stated that they prepare antibiotics, potassium solutions and other medications that may be needed on an emergency basis.

Dr. Smidt asked Ms. Tite how many sterile products they prepare daily. Ms. Tite replied that they prepare about 20 products a week.

Mr. Milovich asked Ms. Tite about the space. Ms. Tite stated that they do the best job they can in the space that they have.

Dr. Sypherd asked if the pharmacy is in compliance with the rules and statutes. Mr. McAllister replied no.

Mr. McAllister stated that they did ask for time to resolve the problem and he feels that would be fair. Mr. McAllister stated that they could rent a portable building until the new pharmacy is completed.

Dr. Smidt asked if a patient room could be given up to house the pharmacy and let the existing pharmacy serve as the IV room. Dr. Johns stated that is something that they could consider or they could move the hood out of the room.

Mr. Wand asked if they could contract out the IV services. Ms. Tite stated that it would be difficult because most IVs are needed for acute cases.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously agreed to allow the permittee to work with the Executive Director and Mr. Van Hassel to come up with a resolution to expand the work space and relocate the hood by the next Board Meeting so that the Board could approve, if necessary, a deviation from the rules at the November Board Meeting.

AGENDA ITEM 11 – Haven Senior Horizons – Request Canceled

AGENDA ITEM 12- Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Mr. Wand stated that the sweep of 2.5 million dollars has been completed and the legislature voted to sweep another 549,700 dollars sometime this fiscal year.

Mr. Wand stated that the Board needs approximately \$500,000 dollars each quarter to operate.

Mr. Wand stated that as a result of the sweeps and for the Board to keep operating it was decided that the Compliance Officers would be laid off.

Mr. Wand stated that he included the layoffs in his budget letter and annual report letter to the Governor.

Mr. Wand stated that he received a call from the Office of Strategic Planning and Budgeting (OSBP) asking him to place the layoffs on hold as they look for a possible fix in the future. Mr. Wand introduced Patrick Makin from the OSPB office. Mr. Makin did not make any comments.

Mr. Wand stated that the several individuals and the association have contacted the Governor's office concerning the layoff of the Compliance Officers. Mr. Wand stated that the individuals told the Governor's office that the Compliance staff is needed for the education provided in the field to the pharmacists and to keep all pharmacies on a level playing field.

Mr. Wand stated that there was a recent article in the Arizona Republic concerning the layoffs. Mr. Wand stated that the certified pharmacy technician that inspects non-prescription outlets was not included in the layoff.

Mr. McAllister stated that the Compliance Staff plays a significant role in safety issues. Mr. McAllister stated that the layoffs would change the ability of the Board to investigate cases. Mr. McAllister stated that he hopes they are able to find a fix to the budget issues.

Mr. Van Hassel stated that he agrees with Mr. McAllister. Mr. Van Hassel stated that Mr. Wand did what he needed to do to keep the Board operational. Mr. Van Hassel stated that this is just a temporary stay and he hopes that they can find a fix for the problem.

Fees Increase

Mr. Wand stated that several boards are combining resources to obtain a liaison to help with proposed fee increases.

Mr. Wand stated that the fee increases would be necessary for future operating costs in next year's budget.

Mr. Wand stated that the Boards are fearful if they have any extra funds due to a fee increase that the money may be swept again.

Update on Online Applications/Renewal system Conversion

Mr. Wand stated that currently the Board is in the process of converting the online application/renewal process from the old vendor to the new vendor. Mr. Wand stated that online renewals are slated to begin on September 15th.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Report for the month of June with the Board Members.

During the month of June 2008, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 5
2. Controlled Substance Shortage –9
3. Controlled Substance Inventory incomplete – 2
4. Failure to maintain CIII-V Invoices - 2

Documentation Violations

1. Failure to Document Medical Conditions – 8
2. Failure to sign daily log - 5
3. Failure to document counseling – 3
4. Failure to document allergies - 1
5. Failure to have required technician statements signed – 1
6. Failure to document compounding procedures - 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy – 2

Pharmacy Violations

1. Allowing technician to work with an expired license – 1
2. Failure to have pharmacist license at work site -1

The following areas were noted on the inspection reports for improvement:

1. Documentation of Counseling
2. Documentation of medical conditions

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards:

1. Cleanliness of pharmacies

Areas outside the inspection reports that may be of interest:

1. Need to report acts of unprofessional conduct in writing
2. Duties of a pharmacy clerk – Newsletter – July 2007

Pharmacist Assisting Pharmacists of Arizona (PAPA)

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty two (42) participants in the PAPA program. Since the last report on July 9, 2008, there has been one (1) new participant that has entered the program.

Ms. Yates thanked that Board for their support of the program and the financial support to the program.

The Board Members discussed issues with several participants.

AGENDA ITEM 13 - Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 17 complaints. Ms. Honeyestewa and Dr. Sypherd served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously accepted the recommendation of the Consumer Complaint Review Committee for the following complaint. Mr. Haiber was recused due to a conflict of interest.

The following summary represents the discussion and final decision of the Board for this complaint:

Complaint #3539 - Dismiss

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

The following summary represents the discussion and final decisions of the Board for the following complaints:

Complaint #3522 - Conference for Both Pharmacists
Complaint #3528 - Dismiss
Complaint #3541 - Conference for Pharmacist

Complaint #3544	-	Dismiss
Complaint #3546	-	Dismiss
Complaint #3547	-	Dismiss
Complaint #3548	-	Dismiss
Complaint #3550	-	Dismiss
Complaint #3551	-	Advisory Letter to the Pharmacist
Complaint #3552	-	Conference for the Pharmacist and Intern
Complaint #3554	-	Conference for the Pharmacist and Pharmacy Technician
Complaint #3576	-	Consent Agreement offered to the Technician for a standard PAPA contract. If the consent agreement is not signed, the case would proceed to hearing.
Complaint #3577	-	Consent Agreement offered to the Pharmacist for a civil penalty of \$500 to be paid in 60 days. If the consent agreement is not signed the case would proceed to hearing.

The Board discussed the following complaints because they did not agree with the recommendations of the complaint committee.

Complaint #3574 and Complaint #3575 – The complaint committee after reviewing the complaint had recommended that each pharmacist would be offered a consent agreement with the following terms: 10 days suspension, one year probation, not allowed to be a preceptor or pharmacist in charge, and complete an additional 15 hours of CE.

Mr. Van Hassel stated that he felt that the pharmacists willingly gave medication to the customer in exchange for money or sports tickets. He felt that the consent agreement was not strong enough.

Dr. Sypherd stated that they gave the medications to the patient for pocket change. Dr. Sypherd stated that both pharmacists gave medication to the patient on several occasions.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to offer a consent agreement for revocation to both pharmacists. If the consent agreements are not signed, the cases would proceed to hearing.

Complaint # 3578

After discussion, the Board unanimously agreed to accept the recommendations of the complaint committee

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to offer a consent agreement to the pharmacist with the following terms: \$1,000 fine, not allowed to be a preceptor ever, and passing the MPJE exam within 45 days of signing the consent agreement. The Board unanimously agreed to offer a consent agreement to the Intern to invalidate all hours Intern hours completed at the Avondale Neighborhood Pharmacy.

AGENDA ITEM 14 – Conferences

Complaint #3510

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Krystal Hicks (Pharmacist) and Matthew Fretz (Pharmacy Supervisor).

Compliance Officer Ed Hunter gave a brief overview of the complaint. Mr. Hunter stated that the complaint was submitted by the physician. The physician stated that the pharmacist filled a prescription written for Strattera 40mg with directions to take five tablets daily. The physician stated that the prescription was written with directions to take one tablet daily.

Vice President McAllister asked Ms. Hicks to address the complaint. Ms. Hicks stated that the prescription for Strattera was presented to her on the weekend. Ms. Hicks stated that she believed the directions were to take five tablets once daily. Ms. Hicks stated that she asked the mother about the dosage because she was unable to reach the doctor. Ms. Hicks stated that the mother told her that the doctor stated it was a high dose. Ms. Hicks stated that the mother asked her to fill the prescription and call her after she spoke with the doctor. Ms. Hicks stated that the mother would bring the prescription back to the pharmacy to be re-labeled if the directions were not correct.

Dr. Sypherd asked who filed the complaint. Ms. Hicks stated that the doctor who wrote the prescription filed the complaint.

Mr. Milovich asked Ms. Hicks what she used as a reference to determine that the dosage was appropriate. Ms. Hicks stated that the dosage was at the high end of the dosage range.

Mr. Milovich asked Ms. Hicks if she questioned the dosage. Ms. Hicks replied that in fact it was the technician that initially questioned the dose.

Mr. Milovich asked Ms. Hicks why she dispensed 150 tablets when the prescription says times thirty which indicates that 30 tablets should have been dispensed.

Ms. Hicks replied that she interpreted the times thirty to mean that the doctor wanted a 30 day supply and not a quantity of 30 tablets.

Mr. Haiber asked Ms. Hicks why she did not hold on to the prescription until it was clarified. Ms. Hicks replied that she spoke to the mother and the mother was comfortable with her calling her the next day with the correct dosage and the mother did not give her son any medicine at the incorrect dose.

Dr. Smidt asked Ms. Hicks if she clarified the quantity with the physician. Ms. Hicks stated that the doctor stated that the prescription was written as one tablet daily with a quantity of 30 tablets.

Dr. Smidt asked Ms. Hicks how she would handle the situation if the situation occurred again. Ms. Hicks stated that she would dispense the prescription after clarifying the prescription.

Dr. Smidt told Ms. Hicks if she has any concerns she should not dispense the prescription until it is clarified. Ms. Hicks stated that was a new patient and did not have a profile at the store. Ms. Hicks stated that she was unable to reach the physician on the weekend and there was not a doctor on call.

On motion by Dr. Smidt and seconded by Dr. Sypherd, the Board unanimously agreed to dismiss the complaint.

Complaint #3536

The following individual was present to answer questions from Board Members concerning a complaint: Pharmacist Hyman Abramchick. Ken Baker, Legal Counsel for Mr. Abramchick, was also present

Deputy Director, Cheryl Frush, gave a brief overview of the complaint. Ms. Frush stated that Wal-Mart Corporate Office had notified the Board office that a relief pharmacist working at Wal-Mart had confessed to the theft of Fioricet from the pharmacy. The pharmacist was arrested. Ms. Frush stated that the corporate office followed up with several CDs (9) showing Mr. Abramchick taking medications from the pharmacy shelves.

Vice President McAllister asked Mr. Abramchick to address the complaint. Mr. Abramchick stated the he made a mistake that day he was detained. Mr. Abramchick stated that he took 6 tablets of generic Fioricet from the stock bottle for his own use. Mr. Abramchick stated that he had his own medications in his bag but did take medication from the pharmacy.

Mr. Abramchick stated that he has been diagnosed with complex headaches and did take 6 tablets of Fioricet. Mr. Abramchick stated that he also had Imitrex and Relapax with him in a bottle. Mr. Abramchick stated that he takes those medicines for migraines.

Mr. McAllister asked Mr. Abramchick if he took his own medication or did he take the medication from his employer. Mr. Abramchick stated that he took the tablets from his employer and did not take his own medication.

Dr. Smidt asked Mr. Abramchick why he took the Fioricet if it does not work for his headaches. Mr. Abramchick stated that the Fioricet works for his complex headaches.

Mr. Van Hassel asked Ms. Frush if she viewed the CDs. Ms. Frush stated that on one CD Mr. Abramchick can be seen taking medication from the stock bottle and placing the

medication in his back pocket. Ms. Frush stated that on another CD Mr. Abramchick is observed placing a bottle from the shelf in his lunch pack. Ms. Frush stated that Mr. Abramchick then leaves the pharmacy for the evening. Ms. Frush stated that Wal-Mart has identified the medication in this instance as Azithromycin.

Mr. Van Hassel asked Mr. Abramchick if he viewed the CDs. Mr. Abramchick stated that he did watch the videos and there is no video dated for the day that he was detained. Mr. Abramchick stated that there are two specific occasions that he remembers but there were no videos for the November 20th the day that he was detained. Mr. Abramchick stated that the tablets that he took from his back pocket were his own tablets.

Mr. McAllister stated that he feels the Board should take formal action against Mr. Abramchick.

Mr. Haiber stated that the Board could also offer Mr. Abramchick a consent agreement.

Mr. Wand asked Mr. Abramchick if he ever spoke to Mr. Lynn Lloyd at the Board office concerning his need to sign a PAPA contract. Mr. Abramchick stated that he never spoke with Mr. Lloyd.

Dr. Sypherd asked if it matters how many tablets were taken from the pharmacy. Mr. McAllister stated that it does not matter how many tablets were taken because he took the prescriptions without a valid prescription.

Ms. Galindo asked if the Board could suspend his license. Mr. McAllister stated that Mr. Abramchick would have to pose an immediate risk and a hearing would need to be held within ten days.

Mr. McAllister asked Mr. Abramchick if he has any problems concerning prescription medications. Mr. Abramchick stated that he has a valid prescription for the medications.

Mr. Wand stated that the Board could request that he order Mr. Abramchick to submit to an evaluation and the results could be brought to the Board at the November meeting.

Dr. Smidt asked Mr. Abramchick to reply only yes or no to the following question. Dr. Smidt asked Mr. Abramchick if he had taken medication from the pharmacy that was not his on more than one occasion. Mr. Abramchick replied that he does not recall.

Dr. Smidt stated that he feels an examination should be conducted to see if Mr. Abramchick is competent enough to practice.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously agreed to have Mr. Wand order an examination within the next 30 days with Dr. Sucher to determine Mr. Abramchick's ability to practice safely. Mr. Abramchick will be required to appear at the next Board Meeting in November to discuss the results and the Board will take any further action that they deem necessary at this time.

Complaint #3540

The following individual was present to answer questions from Board Members concerning a complaint: Pharmacist Prakesh Shah.

Vice President McAllister opened the discussion by stating that this complaint was tabled at the last meeting to allow the Board Staff to further investigate the complaint.

Mr. McAllister asked Compliance Officer Ed Hunter to share his results with the Board. Mr. Hunter stated that he found a total of 12 prescriptions that were filled by Mr. Shah without authorization. Mr. Hunter stated that one CII prescription was filled on one day and the remaining quantity was filled on a different day which is prohibited by law.

Mr. McAllister asked Mr. Shah if he saw the additional information. Mr. Shah replied yes.

Mr. McAllister asked Mr. Shah why he filled the prescriptions without authorization. Mr. Shah stated that he would fill the prescriptions over a long weekend in anticipation that the doctor would approve the refill. Mr. Shah stated that he filled the prescriptions in the best interest of the patient.

Mr. Haiber asked Mr. Hunter what quantity was filled on the prescriptions. Mr. Hunter replied that Mr. Shah filled the prescription for the whole quantity of the refill.

Mr. Shah stated that he filled the prescription in good faith with the intention of obtaining refills. Mr. Shah stated that he forgot to follow up and get the refills. Mr. Shah stated that it would not happen again.

Mr. Van Hassel asked Mr. Hunter how he found the prescriptions. Mr. Hunter stated that the patient's names were given to him by the technicians.

Mr. Van Hassel asked Mr. Hunter if he feels that there may be more prescriptions with unauthorized refills. Mr. Hunter replied yes.

Mr. Van Hassel asked Mr. Shah what he would do if a patient did not have refills. Mr. Shah stated that he would obtain authorization from the physician, but if it was a non-controlled medication he would fill the prescription in the patient's best interest.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, a motion was placed on the floor for a consent agreement with the following terms: A \$1,000 fine for each of the 12 incidents where the prescription was filled without authorization, take and pass the MPJE exam, and be placed on probation for one year.

Ms. Galindo asked Mr. Van Hassel if Mr. Shah answered his question correctly. Mr. Van Hassel replied that Mr. Shah understands the law but added that he would fill a prescription for a patient if it was in the patient's interest which is against the law.

Dr. Smidt stated that he felt the fine was excessive.

Dr. Sypherd stated that he would feel more comfortable with a fine of \$500 for each incident.

Ms. Galindo stated that you can make a mistake once but each time that you make the mistake knowing the law the penalty should be more severe the second time.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board amended the original motion to offer Mr. Shah a consent agreement with the following terms: a total fine of \$6,000, take and pass the MPJE, and be placed on probation for one year. All Board Members voted aye.

Complaint #3500

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Rachel Norton (Pharmacy Technician) and Darren Kennedy (Pharmacy Supervisor).

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that a prescription for fexofenadine 30 mg was filled with fexofenadine 180 mg. Ms. Sutcliffe stated at the last Board Meeting it was determined that Ms. Norton had overridden the scale used to verify the product resulting in the wrong product being dispensed.

Vice President McAllister asked Ms. Norton to address the complaint. Ms. Norton stated she does not remember the particular incident.

Mr. McAllister asked Ms. Norton about using the scale to verify the product. Ms. Norton stated that the scale must accept the barcode when it is scanned and if the barcode is denied the bottle was to be shown to the pharmacist.

Ms. Norton stated that she probably was in a panic because the pharmacy was so busy and she probably manually punched the number into the scale from the leaflet and did not scan the bottle.

Mr. McAllister asked Ms. Norton if she still works for the same company. Ms. Norton replied no that she is now working in law enforcement.

Dr. Smidt asked Ms. Norton if the pharmacist was aware that she may have been bypassing the scale when the pharmacy was busy. Ms. Norton replied probably not.

Mr. Haiber asked Ms. Norton if she plans to return to pharmacy. Ms. Norton stated that she plans on maintaining her technician license at this time but is not sure if she will return to pharmacy.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously agreed to issue an advisory letter to Ms. Norton for not following company policies and procedures.

Complaint #3533

The following individuals were present to answer questions from Board Members concerning a complaint: Christina Smock (Pharmacist in Charge), Darren Kennedy (Pharmacy Supervisor), and Robby Jacobs (Divisional Director for Pharmacy Operations for Walgreens Western Division).

Ms. Sutcliffe stated that while investigating Complaint #3500 it was noted that three of the technicians working in the pharmacy had expired licenses.

Vice President McAllister asked the respondents to address the complaint.

Ms. Smock stated that she would sincerely like to apologize for the error on her part. Ms. Smock stated that she is currently checking all licenses every month. Ms. Smock stated that she has posted reminders in the pharmacy to check the licenses.

Mr. Kennedy stated that the district managers are addressing the issue of checking licenses at their meetings with the store pharmacy managers. Mr. Kennedy stated that it should not be a financial issue for the technicians to renew their licenses because the company pays the technician license fees. Mr. Kennedy stated that it was a mistake that the licenses were missed.

Mr. Jacobs stated that an alert is sent to the stores when a license is about to expire.

Mr. McAllister asked Mr. Jacobs if the alert system was working at the time of investigation.

Mr. Jacobs replied yes and the alert is sent as a reminder.

Mr. Haiber asked if the expiration date is tied into the logon in the Intercom system. Mr. Jacobs replied no.

Mr. Van Hassel asked Mr. Jacobs to whom the alert is sent. Mr. Jacobs stated that the alert is sent via e-mail to the Pharmacy Manager, the Store Manager, and the District Manager.

Mr. Van Hassel asked Mr. Jacobs who should the Board hold accountable for checking the licenses. Mr. Jacobs felt that the Pharmacist in Charge should be held accountable for checking that the licenses are current.

Mr. McAllister asked if the licensee gets an e-mail notice that their license is expired. Mr. Jacobs stated that the employee would receive the notice when they sign on to the store net.

Dr. Smidt asked if any action is taken against the Pharmacist in Charge if they allow anyone to work on an expired license. Mr. Kennedy stated that there is no set disciplinary action and it is up to the supervisor if action is taken against the pharmacist.

Mr. McAllister stated that if the problem occurs again the licensee, the Pharmacist in Charge, the Pharmacy Supervisor, and the Pharmacy Permit holder could all be disciplined.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to dismiss the complaint against the Pharmacist in Charge and the Permit Holder.

AGENDA ITEM 15 – Consent Agreements

Assistant Attorney General, Nancy Beck, rescused herself due to a conflict of interest.

Vice President McAllister asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed.

On motion by Mr. Van Hassel and seconded by Dr. Sypherd the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents.

The consent agreements are listed below.

James Peterson	08-0042-PHR
Marjorie Daily	08-0052-PHR
Richard Mullins	09-0001-PHR
Anselm Chinyere	09-0003-PHR

AGENDA ITEM 16 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

Vice President McAllister asked Mr. Wand to address this agenda item.

Mr. Wand stated that he has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with

the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

- | | |
|----------------------------|-------------------------|
| 1. Brenda Johnson | 28. Adrienne Stout |
| 2. Shannon Leskovec | 29. Raipreet Kaur |
| 3. Brian Park | 30. Guadalupe Sanchez |
| 4. Kyla Doherty | 31. Robert Rudkin |
| 5. David McPherson | 32. Louise Puhl |
| 6. Douglas Webb | 33. Melissa Bartos |
| 7. Bertha Littlehat | 34. Silva Krakoz |
| 8. Gilbert Peppin | 35. Tasha Anderson |
| 9. Joseph Larkin | 36. Salina Cruz |
| 10. Crystal Carlos | 37. Anita Escarrega |
| 11. Victoria Gerth | 38. Adriana Girard |
| 12. Karen McCoy | 39. Stephen Koldykowski |
| 13. Phillena Manygoats | 40. Trisha Tietz |
| 14. Peter Mangan | 41. Eva Sanchez |
| 15. Nicole Gonzales | 42. Anthony Walker |
| 16. Karl Fetterman | 43. Billie Harrell |
| 17. Rene Lopez | 44. Rebecca Rodriguez |
| 18. Krishaun Jones | 45. Shelby Paulson |
| 19. Alvina Encinas | 46. Alphonsa Hahn |
| 20. Brian Bridgman | 47. Tessa Smith |
| 21. Sarah Slette | 48. Denisse Figueroa |
| 22. Lindsey Spiegel | 49. Kirsten Vetter |
| 23. Omar Varela-Chavez | 50. Donna Scharrer |
| 24. Jillian Johnson | 51. Rose Wycoco |
| 25. Alex Chischilly | 52. Tianna Vandenberg |
| 26. Paula Rabuck | |
| 27. Jacqueline Gory-Warner | |

AGENDA ITEM 17 – Proposed Rules

Rules Writer Dean Wright opened the discussion by stating that all the rule packages are for Notices of Final Rulemaking. Mr. Wright gave a brief overview of each rule package.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to accept the Notice of Final Rulemaking and Economic Impact Statements as listed in the Administrative Code for the following rules:

Declared Emergencies Rules Prescription Medication Donation Program Rules

AGENDA ITEM 18 – Institute for the Certification of Pharmacy Technicians – Request for the Board to approve the ExCPT test as a certification option for Arizona Pharmacy Technician

Rebecca Rabbit was present from the Institute for the Certification of Pharmacy Technicians to request that the Board approve the ExCPT test as a certification option.

Vice President McAllister opened the discussion by asking Ms. Rabbit why she requested to appear in front of the Board for approval of her institute's certification test.

Ms. Rabbit stated that the ExCPT is a psychometrically sound exam and is accredited by NCAA. Ms. Rabbit stated that the exam is broad based and tests the knowledge of the technicians in all areas of pharmacy.

Ms. Rabbit stated that the exam has some advantages over the PTCB test. Ms. Rabbit stated that the test is given 300 days a year. Ms. Rabbit stated that an individual taking the test knows if they passed the test when they leave the test site. Ms. Rabbit stated that the cost is less than the cost of the PTCB test.

Mr. Milovich asked how many State Boards of Pharmacy have approved the test. Ms. Rabbit stated that 14 states have approved the exam.

Dr. Smidt asked if the exam is psychometrically sound. Ms. Rabbit replied yes and is accredited by the same accrediting company as the PTCB.

Dr. Smidt asked if a technician fails the exam can they take the exam the next day. Ms. Rabbit stated that they must wait one month.

Ms. Rabbit briefly explained the grading of the exam.

The Board Members decided to review the information provided to them by Ms. Rabbit and further discuss the test at the November meeting.

AGENDA ITEM 19 – Continuous Quality Assurance Task Force – Establishment of a date for the next meeting of the task force

The Task Force Members selected October 22, 2008 as the next date that the task force would meet. The meeting will be held at 1:00 P.M.

AGENDA ITEM 20 – Long Term Care Task Force – Addition of new members to the Task Force

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board approved the addition of the following members to the Long Term Care Task Force:

1. Sandra Brownstein
2. Jeffrey Hohl
3. Deanne Ryan

AGENDA ITEM 21 – Review of ACPE required intern hours versus Arizona required intern hours

Vice President McAllister opened the discussion by stating that he asked for this item to be placed on the agenda.

Mr. McAllister stated that all ACPE accredited schools of pharmacy are required to have their students complete 1720 hours of internship.

Mr. McAllister stated that he felt it was not necessary for the Board to track the intern hours of students that have graduated from an ACPE accredited school because the intern would have completed 1720 internship hours.

Mr. Wand stated that the current regulations state that the intern must complete 1500 internship hours in Arizona prior to licensure.

Mr. Wand stated that the Board staff would then be able to state that a student had completed 1720 intern hours if they graduated from an ACPE accredited school.

Mr. Wand noted that the rule would still need to remain for foreign graduates that are required to complete intern hours.

Mr. Wand noted that a rule change could take up to 24 months to complete.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to have Mr. Wright open a rules package which would allow the Board to change the rules for intern hour requirements.

AGENDA ITEM 22 – Discussion of Sunrise Application for Pharmacist Administered Immunizations

Vice President McAllister asked Mr. Wand to address this agenda item.

Mr. Wand stated that a sunrise application has been submitted to the Joint Legislative Audit Committee that would allow pharmacists using Department of Health approved immunization protocols to provide immunizations to patients 18 and older without a physician's prescription.

Mr. Wand stated that the application is being supported by the Arizona Pharmacy Alliance and the Arizona Community Pharmacy Committee of the Arizona Retailers Association.

Mr. Wand asked the Board Members if they would like to remain Neutral since the Board is not sponsoring the bill. The Board Members did not oppose the idea of remaining Neutral.

AGENDA ITEM 23 – Call to the Public

Vice President McAllister announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Pharmacist Todd Voss and Roger Morris, Legal Counsel for Mr. Voss, came forth. Mr. Morris stated that Mr. Voss is aware that the Board cannot discuss this issue with him at this time.

Mr. Voss state that he was issued a consent agreement for mis-filling a prescription. Mr. Voss stated that the complainant filed the complaint because she did not feel she was taken care of properly when the error was discovered.

Mr. Voss stated that he felt that the consent order was too harsh. Mr. Voss stated that he has completed CE units on preventing prescription errors. Ms. Voss stated that part of the problem was that the claims department dropped the ball and did not respond to the patient.

Mr. Voss stated that he has never had an infraction in his life. Mr. Voss stated that he has been to other Board Meetings and errors more severe than the error he made were dismissed by the Board.

Mr. Voss stated that the complaint wrote a letter to the Board asking for a lesser action to be taken.

Mr. Voss stated that he is sorry for the error and would like the Board to take that into consideration.

Mindy Rasmussen, Director of the Arizona Pharmacy Alliance, came forth to update the Board concerning activities of the Alliance.

Ms. Rasmussen stated that the Alliance was active in contacting the Governor's office concerning the loss of the Compliance staff. Ms. Rasmussen stated that the Compliance Staff is needed to maintain the check and balance processes in the pharmacy.

Ms. Rasmussen stated that they have submitted a sunrise application for administering immunizations without a prescription.

Ms. Rasmussen reviewed upcoming CE programs being offered by the Alliance.

AGENDA ITEM 24 – Discussion of items to placed on a future meeting agenda

Vice President McAllister asked if the Board Members had any other items that they would like placed on the agenda for a future meeting.

Mr. McAllister stated that ExCPT exam approval would be placed on the November agenda for further discussion.

There were no other items to be placed on a future agenda.

AGENDA ITEM 25 – Adjournment

There being no further business to come before the Board, **on motion by Dr. Sypherd and seconded by Mr. Van Hassel**, the Board unanimously agreed to adjourn the meeting at 5:05 P.M.